

REMARKS

I. Introduction

Claims 1-16 are pending in the application. In the final Office Action dated July 24, 2006, the Examiner rejected claims 12 and 16 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Further, claims 1-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable U.S. Pat. No. 6,512,985 ("Whitefield"). Finally, claims 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitefield in view of U.S. Pat. No. 6,606,574 ("Takanabe"). In this Amendment, claims 12 and 16 have been amended. Applicant respectfully requests reconsideration of the claims.

II. Rejection Under 35 U.S.C. § 101

Claims 12 and 16 were rejected as being directed to non-statutory subject matter. In the Amendment, claims 12 and 16 have been amended to recite a computer-readable medium comprising a computer program element. Applicant respectfully request reconsideration.

III. The Proposed Combinations Do Not Render the Claims Unpatentable

Claims 1-12 were rejected as being unpatentable over Whitefield and claims 13-16 were rejected as being unpatentable over Whitefield in view of Takanabe. Each of the independent claims recite monitoring the manufacture of a plurality of objects ***automatically, without human intervention***. The Examiner has admitted that Whitefield fails to disclose performing a process without human intervention. However, in the rejection of each of the independent claims, the Examiner has asserted that it would have been obvious to one skilled in the art at the time of the invention to automate the invention of Whitefield. Specifically, the Examiner asserts that merely using a computer to automate a known process does not ***by itself*** impart nonobviousness to the invention. (Emphasis added.)

Applicants respectfully disagree with the Examiner that it would have been obvious to one skilled in the art at the time of the invention to automate the method of Whitefield. Throughout Whitefield, interactions with an operator are disclosed,

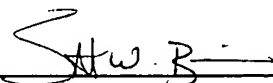
suggesting that the presence and interaction of an operator is essential for the working of the process. Simply deleting the operator from the process would most likely result in an inoperative process, negating a reasonable expectation of success. Further, there is no suggestion or motivation in Whitefield for modifying the process in order to be carried out without human intervention.

Due to the lack of suggestion or motivation in Whitefield for modifying the process in order to be carried out without human intervention, and due to the fact it would not have been obvious to one skilled in the art at the time of the invention to automate the method, Whitefield as contemplated by the Examiner does not render independent claims 1, 10, 11, and 12, or any claim that depends on claim1, unpatentable. For the same reason, the proposed combination of Whitefield and Takanabe, as contemplated by the Examiner, does not render independent claims 13-16 unpatentable. Applicants respectfully requests reconsideration of the claims.

IV. Conclusion

In view of the foregoing amendments, Applicant submits that the pending claims are in condition for allowance. Reconsideration is therefore respectfully requested. If there are any questions concerning this Response, the Examiner is asked to phone the undersigned attorney at (312) 321-4200.

Respectfully submitted,



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